

Remarks

This Amendment After Final Action is in response to a Final Office Action in the above-listed matter, mailed 16 March 2010. This Amendment is being filed with a Request for Continued Examination, a Petition for a two-month extension of time, and the requisite fees associated therewith. This Amendment After Final Action does not increase the total number of claims nor does it increase the total number of independent claims. Accordingly, claims-related fees are not necessitated.

An Amendment, dated 5 October 2009, was accompanied by Revocation of Power of Attorney With New Power of Attorney forms executed by both of the inventors. This latest Office Action was MISTAKENLY mailed to the previous attorneys who are no longer of record in this case in accordance with the new Powers of Attorney. The Examiner is again respectfully requested to verify that the USPTO records are updated to reflect the new correspondence address associated with the new Powers of Attorney, mailed 5 October 2009.

For the Claims:

Claims 1-29 are pending in this application. This Final Office Action rejected claims 1-29. Applicant amends claim 26 and retains claims 1-25 and 27-29 as originally or previously submitted. Applicants respectfully request reconsideration in view of the modifications to the claims and the following remarks.

Claim 26 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite because it depends back to itself. Claim 26 is being amended to correct an inadvertent error in its

dependency. As such, claim 26 is being amended to depend from independent claim 12. In addition, claim 26 is being amended to include the inadvertently omitted term "wherein" to correct a minor grammatical inconsistency. No new matter is being added.

In a previous Office Action, mailed 9 June 2009, all claims (i.e., claims 1-24) were rejected as being anticipated by Weiss, U.S. Publication No. 2002/0174031. In an Amendment, dated 5 October 2009, claims 1, 4, 5, 7-15, and 20-23 were amended and claims 25-29 were added to more clearly point out Applicants' invention, to correct minor inconsistencies in terminology, and to define an abbreviation. No new matter has been introduced into the application as a result of the 5 October 2009 Amendment. Apparently, Applicants' claim modifications and arguments were found persuasive because Weiss is no longer cited in this Final Office Action.

Now, this Final Office Action rejects the pending claims as follows:

- 1) Claims 1-11 are rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter.
- 2) Claims 1-5, 9-16, and 18-29 are rejected under 35 U.S.C. §102(b) as being anticipated by Prasad (EP 1058217).
- 3) Claims 6-8 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Prasad as applied to claim 1, and further in view of Nemzow, U.S. Patent No. 6,721,715.

Arguments

Rejection of claims 1-11 under 35 U.S.C. §101:

This application has an extensive prosecution history. A first Office Action, mailed 11 March 2008, rejected all claims in view of Weiss. In an Amendment dated 11 June 2008, claims 1 and 12 were modified and significant remarks were presented regarding the patentability of the present invention over Weiss. A second Office Action, mailed 16 October 2008, repeated the rejection of all claims in view of Weiss. In an Amendment dated 16 March 2009, claims 1 and 12 were again modified and significant remarks were presented regarding the patentability of the present invention over Weiss. A third Office Action, mailed 9 June 2009, again repeated the rejection of all claims in view of Weiss. Yet another Amendment dated 5 October 2009 was submitted. The 5 October 2009 Amendment again modified some of the claims, added some claims, and presented remarks regarding the patentability of the present invention over Weiss.

As mentioned above, the rejections in view of Weiss now appear to have been overcome. This latest Office Action now cites new grounds of rejection. The prior art rejections will be discussed separately below. Regarding the §101 rejection, however, claims 1-11 have undergone some modifications throughout prosecution of this application. However, these modifications were not extensive enough to have created a situation in which the claims are now directed to non-statutory subject matter. Accordingly, Applicants respectfully submit that should these claims have been directed to allegedly non-statutory subject matter, they should have been rejected in the first Office Action

so that Applicants would have been given fair opportunity to respond.

As discussed in detail below, however, Applicants respectfully contend that claims 1-11 do meet the "machine-or-transformation" test. Furthermore, the invention of claims 1-11 produces a useful, concrete, and tangible result. Therefore, a rejection of claims 1-11 under the provisions of §101 was improper. Accordingly, this Amendment does not amend claims 1-11.

As clearly presented in the Office Action under §101, a process must (1) be tied to another statutory class (such as a machine) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing. The Office Action alleges that neither of these requirements is met by the claims, and is therefore not a patent eligible process.

The so-called "machine-or-transformation" test calls for a determination as to whether the process claims are tied to a particular "machine" or whether the process involves a "transformation" of an article into a different state or thing. The claims need not include both a "machine" and a "transformation." Thus, in order to pass the "machine-or-transformation" test only one of these requirements needs to be met. In this instance, claims 1-11 meet at least the "transformation" requirements.

Analysis under the transformation test requires the transformation of a particular article, whether the transformation imposes a meaningful limit on the scope, and whether the transformation involves more than insufficient extra-solution activity. Furthermore, the Federal Circuit in *Bilski*

explained that the "transformation" portion of the test may be physical (as in the case of *Diamond v. Diehr*) or electronic (as in the case of data that represents a physical object).

In the invention of claim 1, the process calls for effecting the performance of a payment card transaction for a first transaction amount between a first merchant and a first cardholder. To that end, in response to the payment card transaction, a first payment card transaction record is created between the first merchant and a second card holder for the first transaction amount in a first currency. In addition, a second payment card transaction record is created between a second merchant and the first cardholder, wherein the second payment card transaction record identifies a second transaction amount in a second currency which equates to the first transaction amount converted into the second currency.

The subject matter of claim 1 results in the transformation of a payment card transaction to two payment card transaction records, namely 1) a first payment card transaction record between the first merchant and a second card holder for the first transaction amount in a first currency, and 2) a second payment card transaction record between a second merchant and the first cardholder for a second transaction amount in a second currency. Another transformation occurs in which the second transaction record identifies a second transaction amount in a second currency which equates to the first transaction amount converted into the second currency. Thus, transformations entail the transformation of the payment card transaction into two payment card transaction records as well as the transformation/conversion of the first transaction amount to the second currency.

The Supreme Court rejected the "machine-or-transformation" test as the sole test of process patent eligibility based on an interpretation of the language of § 101 in a decision handed down on 28 June 2010 in *Re Bilski*. Several Federal Circuit panel decisions have held that a process is patent-eligible if it produces "a useful, concrete, and tangible result" – such as the transformation of financial data from one form to another form. The claimed transformations produce a useful, concrete, and tangible result. In particular, and as presented in claim 1, the first transaction record and the second transaction record are submitted for processing as respective first and second payment card transactions, whereby processing the first record credits the first merchant and processing the second record debits the first cardholder.

The invention of claim 1 creates two distinct payment card transaction records from a single payment card transaction, and each of these two distinct payment card transaction records is in a different currency. These two distinct payment card transaction records are between different entities, i.e., the first record is between the first merchant and a second cardholder and the second record is between a second merchant and the first cardholder. Moreover, these two distinct payment card transaction records are submitted as two distinct payment card transactions for payment processing.

Applicants' specification discusses the problems to be surmounted in implementing multi-currency transactions. These problems include that of suitably amalgamating normal and dynamic currency conversion transactions without introducing duplication debits against the cardholder (paragraph [0009]) and without necessitating a significant and costly amount of software to be re-written at acquirer banks' host computer systems in order to

implement dynamic currency conversion services (paragraphs [0010], [0011], and [0013]). Applicants solve these problems, at least in part, by effectively replacing the first cardholder (engaged in a payment card transaction with a first merchant) with a second cardholder in the first payment card transaction record and by specifying a second merchant in lieu of the first merchant in the second payment card transaction record. Therefore, the subsequent processing of the second payment card transaction record will not cause a duplicated debit to the first cardholder (paragraphs [0018] and [0069]). Accordingly, the necessity of re-writing an acquirer's software, and its related cost, to avoid any such duplicate debit is avoided. Nor do acquirer systems have to be amended to introduce, cater to, and/or receive "ghost copy" transactions for the purposes of amalgamation and/or for calculating service charges for the merchant.

As discussed above, Applicants' invention of claim 1 satisfies the requirements of the "machine-or-transformation" test. In addition, Applicants' invention of claim 1 produces a useful, concrete, and tangible result. For at least these reasons, the invention of claim 1 is believed to be a patent eligible process. Claims 2-11 depend from claim 1 and further define the patent eligible process of claim 1. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-11 under the provisions of 35 U.S.C. §101.

Rejection of claims 1-5, 9-16, and 18-29 under 35 U.S.C. §102(b) :

Claims 1-5, 9-16, and 18-29 were rejected as being anticipated by Prasad. Prasad discloses systems and methods for transferring funds utilizing existing financial services networks and credit, debit, ATM and/or "Smart" cards. In particular, an

individual may establish a transfer account linked to his or her primary account (paragraph [0029]). The transfer account is funded through transfer of a portion of funds from the individual's primary account. A fulfillment center 20 is notified of the opening of the transfer account and is authorized to send sibling cards A and B to receivers 22 and 24 (paragraph [0059]). A sibling card holder 22 or 24 (i.e., receivers 22 and 24 holding respective sibling cards A and B) can utilize the sibling card A or B to access an ATM 26 or 28 (paragraph [0063]). At least a portion of the funds in the transfer account are dispensed to the sibling card holder 22 or 24 in response to a request for the funds (paragraph [0069]).

Regarding independent claim 1, the Office Action alleges that Prasad discloses (FIGs. 1 and 3) a method for effecting the performance of a payment card transaction for a first transaction amount between a first merchant and a first cardholder. The Office Action cites paragraph [0069] in Prasad as disclosing the claimed feature of a) in response to initiation of the payment card transaction between the first merchant and the first cardholder, (sibling card 22) creating a first payment card transaction record between the first merchant and a second cardholder (sibling card 24) for the first transaction amount in the first currency. The Office Action cites paragraph [0053] in Prasad as disclosing the claimed feature of b) in response to the initiation of the payment card transaction between the first merchant (ATM 26) and the first cardholder, (sibling 22) creating a second payment card transaction record between a second merchant and the first cardholder, wherein the second transaction record identifies a second transaction amount in a second currency which equates to the first transaction amount converted into the second currency. The Office Action also cites paragraph [0053] as disclosing the claimed feature of c) submitting the

first transaction record and the second transaction record for processing as respective first and second payment card transactions, whereby processing said first record credits said first merchant (ATM 26) and processing said second record debits said first cardholder.

The Office Action does not point out how paragraphs [0069] and [0053] relate to the claimed features. Rather, the Office Action only includes references to certain paragraphs without explaining their relevance to the claimed subject matter. The Office Action obliquely indicates that the Prasad "sibling card 22" is equivalent to the claimed "first cardholder," the "sibling card 24" is equivalent to the claimed "second cardholder," and the "ATM 26" is equivalent to the claimed "first merchant." However, there is no indication in Office Action as to what is considered a "second merchant."

Regardless, the cited paragraphs and the particular cited elements do not provide the requisite teaching of Applicants' invention. By way of example, if the ATM 26 is considered a first merchant and the sibling card 22 is considered a first cardholder, the action of withdrawing funds from the ATM 26 by the cardholder of the sibling card 22 could be the performance of a payment card transaction for a first transaction amount between the first merchant/ATM 26 and the first cardholder/sibling card 22.

In this instance, one might speculate that something corresponding to creating a payment card transaction record might occur. Without teaching in the prior art and without indication in the Office Action, one could speculate that this hypothetical payment card transaction record could be between the first merchant/ATM 26 and the first cardholder/sibling card 22 in the

form of, perhaps, a receipt. Alternatively this hypothetical payment card transaction record could be between the first merchant/ATM 26 and the financial institution (as a second merchant) managing the transfer account.

However, element a) of claim 1 recites, in response to initiation of the payment card transaction between the first merchant and the first cardholder, creating a first payment card transaction record between the first merchant and a second cardholder for the first transaction amount in a first currency. A payment card transaction initiated between a first merchant/ATM 26 and a first cardholder/sibling card 22 in no way involves the sibling card 24 of the Prasad reference (as indicated in the Office Action). The owner of the transfer account indicates whether there will be one or more sibling card holders 22 and 24 (also referred to as receivers 22 and 24, or alternatively, transferees) on the transfer account and the bank issues one or more sibling cards (paragraph [0076]). Thus, sibling card holders 22 and 24 are simply two separate entities who can individually request funds from the same transfer account.

Accordingly, the second cardholder/sibling card 24 cannot fairly be considered equivalent to the second cardholder of claim 1, and a request for funds by a sibling card holder 22 cannot result in creating a first payment card transaction record between the first merchant and a second cardholder/sibling card 24 for the first transaction amount in a first currency, as set forth in element a) of claim 1.

The only other "cardholder" that Applicants can ascertain from the Prasad reference might be the owner of the primary account and its linked transfer account. However, in no way would initiation of funds withdrawal from ATM 26 by the sibling

card holder 24 result in creating a first payment card transaction record between the ATM 26 (as a first merchant) and the owner of the transfer account. At best, the primary account holder is merely informed that an amount has been debited from the transfer account (paragraph [0066]). However, this knowledge would not be provided as a transaction record between the first merchant/ATM 26 and the owner of the transfer account (if the owner of the transfer account is considered a "second cardholder"). Instead, this knowledge would be provided by the financial institution that manages the transfer account. For these reasons, Prasad fails to teach element a) of claim 1. Thus, Prasad fails to anticipate Applicants' invention of claim 1.

Prasad fails to anticipate Applicants' invention of claim 1 for additional reasons. Element b) of claim 1 recites, in response to initiation of the payment card transaction between the first merchant and the first cardholder, creating a second payment card transaction record between a second merchant and the first cardholder. As mentioned above, the Office Action fails to identify a "second merchant" in the Prasad reference. Again, Applicants are left to speculate as to what in the cited paragraph [0053] may somehow be equivalent to the "second merchant." In this instance, one might speculate that the financial institution that manages the transfer account could be a "second merchant." However, there is no teaching or suggestion of creating a second payment card transaction record between the financial institution that manages the transfer account and the first cardholder/sibling card holder 22.

At best, some sort of "record" might be created between the financial institution who manages the ATM 26 and the financial institution that manages the transfer account. Indeed, one might

arrive at that conclusion through the Prasad teaching of the issuing institution will take from the customer's transfer account the amount of the requested funds and will settle the dispensed amount with the acquiring institution (paragraph [0066]). Since no "second merchant" from the Prasad reference is identified in the Office Action, and since any hypothetical transaction records may be between two merchants/financial institutions, Prasad fails to teach or suggest Applicants' element b) of claim 1.

Since Prasad fails to teach or suggest the creating first and second payment card transaction records as set forth in elements a) and b) of claim 1, it follows therefore that Prasad also fails to teach or suggest element c) of submitting the first transaction record and the second transaction record for processing as respective first and second payment card transactions, whereby processing the first record credits the first merchant and processing the second record debits the first cardholder.

For the multiple reasons set forth above, Prasad fails to anticipate the invention of claim 1. Nor is it obvious to modify the Prasad system to create first and second payment card transaction records between differing entities (i.e., between first merchant and second cardholder and between second merchant and first cardholder) in response to a payment card transaction between a first merchant and a first cardholder to more closely resemble Applicants' invention of claim 1.

Prasad discloses a process in which a sender (owner of the transfer account) deposits funds into a transfer account (paragraph [0081]). To receive funds, the recipient (sibling cardholder) simply inserts his sibling card into an ATM to make a

withdrawal (paragraph [0082]). In a situation where a request for funds in a different currency is made, Prasad discloses a currency exchange processor that will convert the request into the transfer account currency, debit the transfer account accordingly, and then dispense funds in the requested currency (paragraph [0053]). In order to accomplish currency conversion, however, the financial services institution has in its database, or the financial services institution has access to, currency exchange information and a currency exchange processor.

As discussed above in connection with the \$101 rejection, Applicants' specification discusses the problems to be surmounted in implementing multi-currency transactions. In particular, in order to accomplish currency conversion, financial institutions require a significant and costly amount of software to be re-written in order to implement currency conversion services. Prasad suffers from the problem Applicants' invention as defined in claim 1 solves. That is, the Prasad, currency conversion process requires at least some costly and complicated system components (e.g., currency exchange processor) and/or code (e.g., database, capability to access a currency exchange processor, and so forth).

Prasad fails to suggest the desirability of modifications that would make the Prasad multi-currency funds transfer methodology more closely resemble Applicants' invention of claim 1 because Prasad arrived at a different solution for supporting multi-currency funds transfer, namely that conventional ATM-based funds withdrawals from a transfer account and the currency exchange processor when currency exchange is called for. Accordingly, although Prasad provides methodology for supporting multi-currency funds transfers, an individual reading the Prasad document would be led in a direction divergent from that which is

claimed. However, Prasad suffers from at least one problem that the invention of claim 1 solves. Since Prasad suffers from problems that Applicants' invention solves, Prasad cannot suggest their solution. Therefore, any suggestion for modifying Prasad to more closely resemble Applicants' invention of claim 1 can only be found through hindsight gained by understanding Applicants' specification and claims. Of course, it is improper to use hindsight in making an obviousness rejection.

In the absence of explanation in the Office Action, Applicants have not been given fair opportunity to respond to any clearly and specifically stated objections to patentability of claim 1 based on Prasad. Rather, Applicants were compelled to speculate as to the relevance of cited paragraphs to the claimed invention. Nevertheless, for the reasons set forth above, Applicants believe that Prasad fails to teach or suggest the invention of claim 1. Accordingly, Applicants contend that claim 1 is indeed novel and inventive over Prasad. Claims 2-5, 9-11, and 24 depend directly or indirectly from claim 1 and are novel and inventive over Prasad, at least by reason of dependency.

The Office Action rejects claim 12 in parallel with the rejection of claim 1. As such, the Office Action fails to point out any disclosure in the Prasad document that might fairly be a teaching of the system of claim 12 which includes, among other features, (a) means for receiving details of the payment card transaction between a first merchant and a first cardholder, the details including a first transaction amount, (b) means for creating a first payment card transaction record between the first merchant and a second cardholder for the first transaction amount in a first currency in response to the received details, and (c) means for creating a second payment card transaction record between a second merchant and the first cardholder in

response to the received details, where the second transaction record identifies a second transaction amount in a second currency.

In the absence of explanation in the Office Action, Applicants have not been given fair opportunity to respond to any clearly and specifically stated objections to patentability of claim 12 based on Prasad. Rather, as discussed above in connection with claim 1, Applicants are compelled to speculate as to the relevance of paragraphs cited in the Prasad document to the claimed invention. Nevertheless, for the reasons set forth above, Applicants believe that Prasad fails to teach or suggest the invention of claim 12 for reasons similar to those set forth in connection with claim 1. Accordingly, Applicants contend that claim 12 is novel and inventive over Prasad. Claims 13-16, 18-23, 25, and 26 depend directly or indirectly from claim 12 and are novel and inventive over Prasad, at least by reason of dependency.

Claims 4, 5, 15, and 16 are inventive and novel for additional reasons. Claim 4 includes subject matter directed toward creating, in response to the initiation of the payment card transaction between the first merchant and the first cardholder, a third payment card transaction record between the second cardholder and the second merchant for an amount in the first currency, the amount being the negative equivalent of the first transaction amount and submitting the third payment card transaction record for payment processing. Similarly, claim 15 includes subject matter directed toward means for creating, in response to receiving the details of the payment card transaction, a third payment card transaction record between the second cardholder and the second merchant for an amount in the first currency, the amount being the negative equivalent of the

first transaction amount, and means for submitting the third payment card transaction record for payment processing. Claims 5 and 16 depend respectively from claims 4 and 15 and include subject matter directed toward the third payment card transaction record being submitted as an unconverted payment card transaction. Applicants respectfully contend that the further features of claims 4, 5, 15, and 16 are not disclosed by Prasad, despite Office Action allegations to the contrary.

The Office Action cites Prasad at paragraph [0046] as an alleged anticipatory teaching of the limitations of claims 4 and 15. The Prasad disclosure at paragraph [0046] is reproduced for the Examiner's convenience, as follows:

[0046] The database will retain and store information including, but not limited to, the following: primary account attributes and details, including those set forth above; transfer account details, including the amount of funds in the transfer account, the debiting of the transfer account, crediting of the transfer account, withdrawal limits etc. and sibling card details, including information about sibling card recipients, PIN numbers and the like. Creation and use of the primary account, creation and use of the transfer account and creation and use of the sibling card will generate transaction data that may be stored on the database for further access.

The Office Action does not point out how paragraph [0046] relates to the feature of creating a third payment card transaction record, as recited in claims 4 and 15. Rather, the Office Action only includes reference to [0046] without explaining its relevance to the claimed subject matter. Applicants have not been given fair opportunity to respond to any clearly and specifically stated objections to patentability of claims 4 and 15 based on Prasad. Consequently, Applicants are again compelled to speculate as to which elements in paragraph [0046] relates to the features of claims 4 and 15. However, in

this instance, Applicants cannot find any teaching in the cited passage that could be relevant to the subject matter of claims 4 and 15.

It bears repeating, however, that Prasad fails to teach or suggest anything resembling creating the first and second payment card transaction records as discussed above in connection with claim 1. That is, Prasad fails to teach or suggest a second cardholder, and a first payment card transaction record being created between the merchant and the second cardholder. Likewise, Prasad fails to teach or suggest a second merchant, and a second payment card transaction record being created between the second merchant and the first cardholder. It follows, therefore, that if Prasad does not teach a second merchant and a second cardholder, Prasad simply cannot teach or suggest creating a third payment card transaction record between two non-existent entities in response to the payment card transaction between the first cardholder and the first merchant.

Further, it would not have been apparent to the skilled person to implement changes to Prasad to arrive at a solution closer to the subject matter presented in claims 4 and 15. The present invention, as recited in claims 4 and 15, offers an approach to effectively perform a transfer between an intermediary's merchant account (e.g., the claimed second merchant) and an intermediary's cardholder account (e.g., the claimed second cardholder) by creating a third payment card transaction record between the second cardholder and the second merchant (paragraph [0072]). This third payment card transaction record can be effectively processed as a conventional payment card transaction between the second cardholder and the second merchant. However, the net result of this transaction via the third payment card transaction record is to effectively debit

from the cardholder and credit to the merchant the transaction amount. Prasad teaches away from the present solution by providing an alternative means of supporting multi-currency transactions.

Applicants therefore submit that for these reasons as well, the invention of claims 4 and 15 is novel and inventive over Prasad.

Independent claim 27 includes features similar to those set forth above in connection with claim 1. That is, a first transaction record is created between the merchant and an intermediate cardholder account and a second transaction record is created between the cardholder and an intermediate merchant account. The distinct first and second transaction records are submitted for processing. Applicants believe that Prasad fails to teach or suggest the invention of claim 27 for reasons similar to those set forth in connection with claim 1. Accordingly, Applicants contend that claim 27 is novel and inventive over Prasad. Claims 28 and 29 depend directly or indirectly from claim 27 and are novel and inventive over Prasad, at least by reason of dependency. In addition, claim 29 includes features similar to those set forth in claims 4 and 15. Thus, claim 29 is novel and inventive over Prasad for the additional reasons presented in connection with claims 4 and 15.

Applicants believe claims 1-5, 9-16, and 18-20 are allowable over the Prasad reference. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1-5, 9-16, and 18-29 under the provisions of §102(b).

Rejection of claims 6-8 and 17 under 35 U.S.C. §103(a):

Claims 6-8 and 17 were rejected as being unpatentable in view of a combination of Prasad and Nemzow. Nemzow discloses a currency translation system that provides for the dynamic translation of a first currency value into a target currency value.

Claims 6 and 7 depend indirectly from independent claim 1 via claim 4. Claim 8 depends directly from independent claim 1, and claim 17 depends directly from independent claim 12. Claims 6-8 are believed to be novel and inventive at least by reason of dependency. Likewise, claim 17 is believed to be novel and inventive at least by reason of its dependency from claim 12.

Applicants believe claims 6-8 and 17 are allowable over a combination of the Prasad and Nemzow references. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 6-8 and 17 under the provisions of §103(a).

Conclusion

As discussed above, claims 1-11 meet the requirements for patent eligibility under the provisions of §101. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-11 under the provisions of §101.

Furthermore, as discussed above, the cited references fail to teach or suggest Applicants' claimed invention. Indeed, the Prasad methodology teaches away from the claimed invention by providing an alternative means of supporting multi-currency funds transfers than that which is claimed. Moreover, although the Office Action cited various paragraphs in the Prasad reference as alleged anticipatory teachings of certain claims, the Office Action did not explain their relevance to the claimed subject

matter. Consequently, Applicants were compelled to speculate as to the relevance of the cited passages to the claimed subject matter. Thus, Applicants were not given fair opportunity to respond to any clearly and specifically stated objections to patentability of the claims.

Applicants respectfully request the Examiner to fully consider all claim limitations within each of the rejected claims and provide clear and specific information for establishing a prior art basis for rejecting the claims. If a prior art basis for rejection cannot be articulated, Applicants respectfully request withdrawal of the rejection of claims 1-29 under the provisions of §102(b) based on Prasad, or alternatively under the provisions of §103(a) based on Prasad and Nemzow, and a subsequent allowance of claims 1-29.

Accordingly, this Amendment amends claim 26. Currently amended claim 26 remains in the application and is believed to be allowable. In addition, claims 1-25 and 27-29 remain in the application as originally or previously submitted and are believed to be allowable.

Applicants believe that the foregoing amendments and remarks are fully responsive to the rejections and/or objections recited in the 16 March 2010 Office Action and that the present application is now in a condition for allowance. Accordingly, reconsideration of the present application is respectfully requested.

Respectfully submitted,

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AMENDMENT AFTER FINAL ACTION

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